

DOWD, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Jerry Whittiker, et al.,

Plaintiffs,

v.

Deutsche Bank National Trust Company,  
et al.,

Defendants.

CASE NO. 1:08 CV 300

JUDGMENT ENTRY

For the reasons set forth in the Memorandum Opinion filed contemporaneously with this Judgment Entry, IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

1) Defendant MDK's motion for judgment on the pleadings (ECF 70) is denied without prejudice as moot;

2) Defendant Reisenfeld's motion for judgment on the pleadings (ECF 72) is granted as to Count 1. The Court declines to exercise jurisdiction as to plaintiffs' remaining state claims (Counts 2 and 3), and dismisses those claims without prejudice. Consequently, Reisenfeld's motion judgment on the pleadings as to Counts 2 and 3 is denied without prejudice as moot;

3) Defendant WWR's motion for judgment on the pleadings (ECF 74) is granted as to Count 1. The Court declines to exercise jurisdiction as to plaintiffs' remaining state claims (Counts 2 and 3), and dismisses those claims without prejudice. Consequently, WWR's motion for judgment on the pleadings as to Counts 2 and 3 is denied without prejudice as moot;

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4) Defendant DBNTC 's motion to dismiss (ECF 75) is granted as to Count 1. The Court declines to exercise jurisdiction as to plaintiffs' remaining state claims (Counts 2 and 3), and dismisses those claims without prejudice. Consequently, DBNTC's motion to dismiss as to Counts 2 and 3 is denied without prejudice as moot;

5) DBNTC's requests that the Court take judicial notice of certain documents in support of DBNTC's motion to dismiss, ECF 76 and 92-2, are granted; and

6) Plaintiffs' motion for class certification (ECF 54) is moot, and therefore denied as such without prejudice.

This case is closed, each party to bear its own costs and attorney fees.

IT IS SO ORDERED.

March 17, 2009  
Date

s/ David D. Dowd, Jr.  
David D. Dowd, Jr.  
U.S. District Judge